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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,467	12/11/2001	Pan-Gyu Kang	A32966-A - 072944.0145	4619
7590	06/04/2004		EXAMINER	
BAKER BOTTS L.L.P. 44TH FLOOR 30 ROCKEFELLER PLAZA NEW YORK, NY 10112-0228				KLEBE, GERALD B
		ART UNIT		PAPER NUMBER
		3618		

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/015,467	KANG, PAN-GYU
	<b>Examiner</b>	<b>Art Unit</b>
	Gerald B. Klebe	3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 March 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 17-30 is/are pending in the application.  
4a) Of the above claim(s) 20,22,23,27,29 and 30 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 17-19,21,24-26 and 28 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 11 December 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. 09/494,681.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

ed copies have received.  
S. B. Klebe  
23 May 2004

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Amendment***

1. The amendment filed 3/30/2004 under 37 CFR § 1.111 has been entered. Claims 17 - 30 are pending in the application, claims 1 and 12-16 being cancelled and new claims 20-30 being added by the amendment.

Where the new claims are added, Applicant has neglected to list, as required by the restriction, all claims readable on the elected species. The examiner notes that newly added claims 20 and 27 read on non-elected species III, and newly added claims 22-23, and 29-30 read on non-elected species IX. Consequently, claims 20, 22-23, 27, and 29-30 are hereby withdrawn from consideration.

### ***Withdrawal of prior indication of Allowable Matter***

2. With apology by the examiner, the previously indicated allowability of claims 17-19 is withdrawn in view of the better understanding of the Applicant's claims and the relevance thereto of the already cited prior art.

A reconsidered Office Action based on the merits of claims 17-19, 21, 24-26, and 28 relative to the previously cited reference(s) as well as in view of newly discovered references follows.

### ***Abstract***

3. The Abstract is objected to because:

Line 17 refers to "ratchet member". The terminology "ratchet" used to describe the apparatus disclosed in the specification and shown in Figures 19 and 20 is inconsistent with the usual terminology for this apparatus. Although an Applicant may be entitled to be his/her own

lexicographer, no term may be used that is repugnant to the usual meaning of the term. The specification and figures disclose a “clasp” based on a lever and cam mechanism and slidable on the cart support.

Appropriate correction is required.

***Specification Objections***

4. The specification is objected to for the following:

Paragraphs [0063], [0064], [0066], [0069], and [0070] make reference to a “ratchet member” for fixing the bag to the cart support as shown in Figures 19-20. Neither the figures nor the description of the “ratchet member” given in the disclosure represent a “ratchet” in accordance with the ordinary terminology for the apparatus.

The apparatus disclosed and shown in the instant application that is used for fixing the bag to the cart support would normally be termed as a “clasp”, the clasping action being based on a lever and cam mechanism; the clasp being slidably adjustable on the cart support.

Appropriate correction is required.

***Claims Rejections - 35 U.S.C. §112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 17-19, 21, 24-26, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the

claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

In claims 17, 18, 24, and 25, the term “ratchet” is used to mean “clasp”, while the accepted meaning of “ratchet” is “a mechanism that consists of a bar or wheel having inclined teeth into which a pawl drops so that motion can be imparted to the wheel or bar or, as a pawl or detent for holding or propelling a ratchet wheel.” (Refer “Merriam-Webster’s Collegiate Dictionary”; Tenth Edition, 1998.)

The term “ratchet” as used in the claim is indefinite because the specification does not clearly redefine the term.

Appropriate correction is required. See MPEP § 608.01(b).

b. Claim 19 in lines 1-2, and claim 26 in line 1 each recites the limitation "the fixing portion". There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

For the purposes of further examination on the merits, claim 19 will be interpreted as depending from claim 18 and claim 26 will be interpreted as depending from claim 25.

c. Claims 19 and 26, each in line 4 recite the limitation “other radius”. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC §103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 17-18, 21, 24-25, and 28, as understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundara et al. (US 5887833) in view of Roepke and further in view of Kao et al. (US 5829585).

a. Sundara et al. teaches a golf bag support stand having: (**re: claims 17 and 24**) a bag (200) having an inner empty space, a wide lateral space and a narrow bottom surface; a support (100) onto which the bag is loaded, a pressurizing member (180) integrally fixed to the support stand such that the pressurizing member is rotated by a predetermined angle, the pressurizing member being pressurized against a ground surface and enduring the weight of the bag when the bag is inclined by a predetermined angle (ref col 2, lines 40-44); a plurality of left and right leg members (140) movably fixed to a middle portion of the support stand via a fixture (110) such that the leg members are arranged to form a predetermined angle with respect to the fixture (refer Figs 3, 4, 5, and column 3, lines 31-37), the leg members being folded by way of self weight when the bag is erected (refer col 3, lines 57-63), the fixture (110) being rigidly fixed to the bag (ref col 2, lines 51-54); and having left and right leg members such that the legs are rotated to be folded by way of self weight when the bag is erected (refer column ; and having a plurality of link members (190) each having an end coupled to the pressurizing member (180), and an opposite end coupled to the leg members (at 125; refer col 3, lines 47-49), the link members unfolding the leg members while being elevated when the pressurizing member is pressurized against the ground surface (col 4, lines 13-15).

b. Sundara et al. lacks a clasp member slidably installed on the support for fixing the bag to the cart support and lacks explicit disclosure of wheels mounted on the ends of the legs of the bag support stand.

c. Roepke teaches a golf bag support stand having a clasp member slidably installed on the support for fixing the golf bag to the support.

d. It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the bag support stand of Sundara et al. to have a clasp member slidably installed on the cart support in accordance with the teachings of Roepke in order to have the support stand adaptable to golf bags of different lengths/heights.

e. Further, Kao et al. teaches the interchangeability of a golf bag support structure having wheels (a cart) and one that simply uses fixed legs for the bag support. (Refer Figs 3 and 4, and column 1, lines 60-62).

f. Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the bag support stand of Sundara et al. by incorporating wheels in accordance with the teachings of Kao et al. in order to convert the bag carrying stand to one that could be pulled along the ground by the user as an easier means of transport of the loaded golf bag say, for users lacking the strength and stamina for carrying the loaded bag when playing over the golf course.

g. **Regarding the limitations of claims 18 and 25**, the combination of Sundara et al. and Roepke further teaches a clasp (Fig 1, item 15; refer col 2, lines 27-35) having a bracket (the upper portion of 15) which is downwardly bent (16) to be formed with an inner space (refer col 2, lines 30-31) so that an edge portion of the bag is inserted into the inner space and further

comprising a guide portion (the lower, shaft portion of 15) whereby the clasp slidably ascends or descends along the frame (refer col 2, lines 27-29), and further comprising a fixing portion (35; refer col 2, lines 47-51) for fixing the clasp at a predetermined position.

With respect to the further limitation that the guide portion has a hole into which the frame of the bag support is inserted into for slidably ascending and descending, the clasp (15) of Roepke is made to telescope within the hole of the bag support, rather than having a hole within which the bag support is inserted. However, it would have been obvious to have modified the clasp of Roepke to instead telescope over the bag support, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

h. **Regarding the feature of claims 21 and 28** wherein the pressurizing member is connected to the lower portion of the support by a rivet, Sundara et al. is not explicit about the means of connection of item 170 being made with a rivet. However, the connection of the top bracket member 110 of Sundara et al. is explicitly stated to be a rivet (refer col 2, lines 51-53). Therefore, from a consideration of the similarity of the drawings of 110 and 170 as seen in Fig 4, it is inferred that the means of connection of 170 to the support stand is the same as that used to connect 110 to the support stand, viz., by means of rivet(s).

9. Claims 19 and 26, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sundara et al. (US 5887833), Roepke (US 3195844) and Kao et al. (US 5829585), and further in view of Weng (US 5451072).

As discussed above, the combination of Sundara et al., Roepke, and Kao et al. discloses all of the features of the golf bag cart of claims 17 and 24 from which claims 19 and 26, respectively depend.

The combination of Sundara et al., Roepke, and Kao et al. lacks explicit disclosure (**re: claims 19 and 26**) of a fixing portion having various features as recited in the claims 19 and 26.

However, Weng teaches a golf bag support cart (Fig 1) that has a fixing portion (Fig 4, combination of items 6, 61, and 62) for fixing the bag clasp member ( refer Fig 3, taken as the curvilinear portion of 6 which holds the golf bag) at a predetermined position on the cart support (seen in Fig 4 as item 2) and wherein the fixing portion (Fig 4, combination 6, 61, 62) has a hinge shaft (63), a handle (Fig 4, taken as the straight, standoff part of the clasp 6) hingedly connected to the hinge shaft (as shown in the figure the part 6 is rotatable) and an eccentric portion Fig 3 item 62) formed at one end of the handle (6), wherein the eccentric portion has a contacting point which is more apart from the center than any other radius of the eccentric portion (refer Fig 3, and col 3, lines 28-31).

Regarding the further limitation of the claims 19 and 26 wherein the eccentric portion is “integrally formed” at one end of the handle, the eccentric of Weng (Fig 3, item 62) is made as a separate part from the handle (6) but connected thereto (refer Fig 4). However, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the clasp of Weng to have the eccentric (62) be formed integrally with the handle (6) since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

*Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

#### ***Prior Art made of Record***

10. The prior art made of record is considered pertinent to the Applicant's disclosure: the prior art of Maeng, of Reimers, and of Stein et al., each show golf bag support stands with structures having features in common with some of the features disclosed in the instant application.

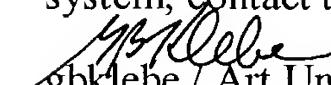
***Conclusion***

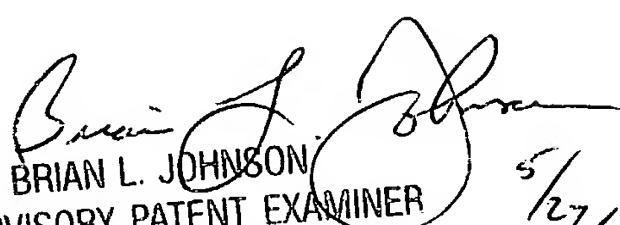
11. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Brian L. Johnson, Art Unit 3618, at 703-308-0885.

Note that the examiner's fax number has changed.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 / Art Unit 3618 / 23 May 2004

  
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5/27/04